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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,349	02/22/2000	Takashi Kurimoto	034620-049	2612
7590	12/27/2005		EXAMINER	
Robert E Krebs Thelen Reid & Priest LLP P O Box 640640 San Jose, CA 95164-0640				HOM, SHICK C
		ART UNIT	PAPER NUMBER	2666

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/510,349	KURIMOTO ET AL.	
	Examiner Shick C. Hom	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 September 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4,6-16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4,10 and 12 is/are rejected.
- 7) Claim(s) 6-9,11,13-16 and 18-27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 9/30/05 have been fully considered but they are not persuasive.

In page 13 of the remarks, applicant argued that Kamoi does not teach evaluating the impact of said datagrams on network operation according to traffic information on said datagrams is not persuasive because Kamoi in col. 6 lines 10-61 which recite the band assignment determining unit for comparing the speed of the transmission line including the calls already assigned on it with additional calls that is possible to be assigned to the line, the call admission control system which receives a description of parameters of traffic received through the transmission line; the managing unit for managing the amount of band width used in the transmission line and means for determining whether or not the call should be admitted under the condition that the call satisfies the communication quality clearly reads on means for monitoring and evaluating impact of datagrams on network operation according to traffic information on the datagrams as recited in claim 4. In page 14 of the remarks, applicant argued that Kamoi does not teach the evaluation results being quantified, converted to a

preference value, and inserted in the header is not persuasive because col. 28 lines 48-68 which recite monitoring the amount of entering cells and applying marking at the header of the cell when the entering cell amount exceeds described amount clearly reads on inserting a preference value in the header based on the evaluation and conversion of a preference value. Further, in page 14 of the remarks, applicant argued that Kamoi does not teach priority datagrams being transmitted successively in an ascending order of preference values from a low preference value to a high preference value so as to avoid traffic congestion and entering said priority datagrams in a buffer memory is not persuasive because col. 34 lines 1-9, Fig. 31A which recites and shows the input cells being stored in memories 335, 336 being based on their priority whereby the high priority cells are transmitted before the low priority cell and Fig. 23A which shows the priority control when congestion occurs based on priority markings clearly reads on priority datagrams being transmitted successively in order of their preference values so as to avoid traffic congestion and entering said priority datagrams in a buffer memory.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamoi et al. (5,280,483).

Regarding claim 4:

Kamoi et al. disclose a datagram transfer system for receiving_datagrams sent from individual users' terminals in a datagram transmission node and forwarding said datagrams to a destination address specified on a header of said data-grams (see col. 1 lines 37-43 and col. 2 lines 19-27 which recite the packet switching system whereby each cell is constituted by a header and data wherein the header contains the address of the destination clearly anticipate the datagram transfer system for receiving and forwarding datagrams using the destination address on the header), wherein an impact of said datagrams on network operation is evaluated by a traffic monitoring equipment according to

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traffic information on said datagrams, evaluation results are quantified, and quantified results are converted and are inserted in said header as a preference value (see col. 28 lines 48-68 which recite maintaining service quality when congestion occurs including the function of monitoring the amount of cells entering into the communication path and cells being marked at the header when the amount exceeds the described amount clearly anticipate the traffic monitoring equipment evaluating the impact of the datagrams on the network and inserting a preference value in the header), and wherein said datagram transmission node includes a back plane switch section for transferring a datagram from an incoming interface section to an outgoing interface section without causing internal blocking (see col. 19 lines 3-29 which recite the self routing module SRM switch for passing cell to the output highway clearly anticipate the back plane switch section for transferring a datagram without internal blocking), and a buffer enqueue control section for obtaining the preference value from the datagram received in said outgoing interface section, selecting priority datagrams to be transmitted successively in an ascending order of preference values from a low preference value to a high preference value so as to avoid

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traffic congestion and entering said priority datagrams in a buffer memory (see col. 34 lines 10-42 which recite the control device and cell accumulation measuring unit for detecting congestion and discarding low priority cells in the buffer memory using the threshold value clearly reads on the buffer enqueue control section for selecting priority datagrams to be transmitted to avoid congestion).

Regarding claim 10:

Kamoi et al. disclose wherein said traffic monitoring equipment computes a difference between a number of datagrams transmitted by a user and a number of datagrams received by said user, for use as the preference value (see col. 29 line 50 col. 30 line 18 which recite the control system detecting the difference between the read out address and the write in address of the buffer storage and marking cell for discard clearly anticipate the equipment computes a difference between a number of datagrams transmitted by a user and a number of datagrams received, for use as the preference value).

Regarding claim 12:

Kamoi et al. disclose wherein said outgoing interface section includes a class-divided buffer memory section having a plurality of priority orders, and said buffer

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enqueue control section performs prioritized forwarding by entering datagrams in said class-divided buffer memory section according to the preference value (see col. 14 lines 13-16 and col. 16 line 61 to col. 17 line 13 which recite congestion control including quality class control and judgment as to whether or not the required service quality can be maintained for rejecting call clearly reads on the class-divided buffer memory).

Allowable Subject Matter

4. Claims 6-9, 11, 13-16, and 18-27 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

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THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH

A handwritten signature in black ink, appearing to read "DANG TON".

DANG TON
PRIMARY EXAMINER